



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,139	07/11/2003	Takafumi Suzuki	040894-5941	1415

9629 7590 11/24/2006

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

PILKINGTON, JAMES

ART UNIT	PAPER NUMBER
----------	--------------

3682

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/617,139

Applicant(s)

SUZUKI, TAKAFUMI

Examiner

James Pilkington

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 10/17/06 for a Continued Examination (RCE) is accepted and a RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

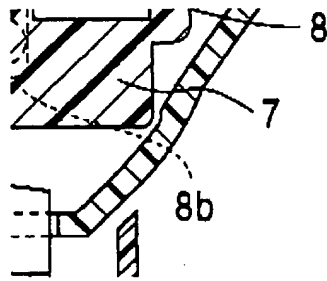
3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi, USP 6,194,676.

Re clm 1, Takahashi discloses a lever apparatus comprising:

- A lever (3);
- A cover part (attached to 3) disposed on a base end portion of the lever (3), which includes a spherical-shaped outer surface and a thickness-reducing recessed portion formed on an inner surface side thereof (see Figure below);
- A mounting part (7) fixedly projecting from the inner surface of the cover part;
- A pair of fitting recessed portions (7a) formed in opposed side portions of the mounting part (7)

Art Unit: 3682

- A pair of shaft portions (8b)
- a lever support structure (8) including the pair of shaft portions (8b) with which the pair of fitting recessed portions are respectively rotatably fitted.



From Figure 3 of Takahashi

Re clm 2, a pair of openings (7a) respectively formed in peripheries of associated shaft portions. Character 7a is a recess designed to house character 8b see C7-8.

Re clm 3, an inserting opening (in between 8e and 8d, see Figure 3) to which the mounting part (7) is inserted is formed in the lever support portion (8), and the pair of shaft portions project toward the inserting opening (8b).

Re clm 4, the lever support portion (8) is configured such that when the mounting part (7) is inserted into the lever support portion (8), the pair of shaft portions (8b) abut the mounting part (7) and wherein the shaft portions (8b) are able to be elastically deformed.

### ***Response to Arguments***

4. Applicant's arguments filed in the after final amendment dated 9/12/06 have been fully considered but they are not persuasive.

Art Unit: 3682

5. Applicant argues that Takahashi does not disclose a mounting part projecting from the inner surface of the cover part.

The examiner argues that Takahashi does indeed disclose a mounting part (7) projecting from the inner surface of the cover part. The mounting part of Takahashi has two ends, one end is housed in the cover part well the other projects out from the cover part to connect to the support member (8).

6. Applicant argues that Takahashi does not disclose that the mounting part is fixedly projecting from the inner surface of the cover part. The applicant goes on to later state the mounting part of Takahashi is completely separate from the operating lever/cover (pg 5 line 7).

The examiner argues that because the mounting part does project from the inner surface of the cover and when the device is assembled the mounting part cannot move out of the cover the mounting part is fixedly projecting from the cover. It appears to the examiner (from the remarks pg 5 line 7) that the applicant is attempting to argue that the Takahashi reference does not disclose a device where the mounting part is formed monolithically (single piece) with the cover and lever. If it is the applicant's wish to claim that the mounting part and lever are formed uniformly as a single part the applicant is advised to explicitly claim this relationship. In doing the examiner would like to direct the applicants attention to USP 6,333,475 to Kontani and USP 5,646,384 to Noro et al where a mounting part is shown as being formed as a single part with a lever/cover.

Art Unit: 3682

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

JP

11/15/06



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER